



ENOUGH

Electronic Monitoring

SACRAMENTO, CALIFORNIA

BACKGROUND

Jurisdiction: Sacramento County | Population: 1.589 million (2021)

In Sacramento County, law enforcement's model for change prioritized a pretrial program under the Probation Department, which featured the extensive use of electronic monitoring. Activists in the community, including [Decarcerate Sacramento](#) and [Justice2Jobs Coalition](#), have consistently opposed EM and all forms of punitive pretrial conditions for those released from jail. **As in many jurisdictions, activists' opposition to electronic monitoring has been folded into a larger struggle to halt jail construction.**

In Sacramento a key moment in this struggle took place in 2018 when a [lawsuit](#) forced the county to enter a settlement with Disability Rights California and the Prison Law Office. The settlement concluded that Sacramento County failed to provide legally required mental health and medical treatment to individuals housed in their jail. The allegations in the suit included accusations of the use of extreme forms of solitary confinement.

The settlement, in the form of a [consent decree](#), mandated the jail to reduce the use of solitary confinement, decrease the population of the jail and incorporate services to the population in their program.

The settlement also opened the door to the expanded use of EM.

Tifanei Ressler-Moyer, formerly a staff attorney with Disability Rights California and a co-founder of Decarcerate Sacramento, responded by pointing to the need to move away from jails and punitive measures like electronic monitors. Ressler-Moyer said, "The County will fail to meet the needs of people in Sacramento if it simply pours money into the jail. It must invest in community services and programs designed to prevent recidivism and reduce the need to incarcerate people who are homeless or have serious mental illness."

However, ultimately rather than trigger such a transformation process, the lawsuit precipitated another set of struggles. **In 2019 the state legislature allocated \$58 million for pretrial pilots, including \$9,553,041 to Sacramento for a pilot under the authority of the public defender's office.** This pilot rejected the extended use of electronic monitoring, instead opting to promote the "least restrictive" conditions for people released from jail pretrial. Moreover, in Sacramento County court-appointed monitors produced eleven [reports](#) on the criminal legal system, all of which advocated reduction of the jail population. But two obstacles blocked the implementation of the reports: COVID-19 and the state plan for Probation.

COVID-19 and EM

The arrival of the pandemic sparked authorities to release people from the jail and place more on EM, though, despite pressure from activists the precise EM population was never known. **Activists from Decarcerate Sacramento estimated that the number of people classified as Level 6 in the jail (and therefore likely to be placed on EM), escalated from 4% of the jail population in November 2020 to 15% in April of 2022.**

The jail population [declined](#) by 29% during the first year of the pandemic. However, as COVID-19 subsided, the jail count [escalated](#) by 35% by spring of 2021, returning to over 90% of pre-pandemic levels.

Electronic monitoring had not replaced jail beds but rather was ensuring the net of incarceration would not shrink.

The State Probation Plan and EM

Rather than build on the sixteen pilots activated in public defenders' offices, in 2021, at the behest of Governor Newsom, the state allocated \$140 million to a pro-incarceration, pro-EM pretrial program housed under the probation department in all 58 counties. This came about despite intense opposition from within both houses of the state legislature and widespread community organizing against,

The [Care First Coalition](#), a statewide grouping that includes Decarcerate Sacramento and Justice2Jobs, was a leading force in opposition. The Coalition [noted](#) that this vote meant "thousands of Californians who have not been found guilty of a crime will be jailed for probation violations such as a battery problem with an ankle monitor, a missed appointment due to transportation, childcare, or health issues, or dozens of other "technical violations." Care First offered its own platform for transformation of the criminal legal system. It included recommendations to operate independently of law enforcement to end money bail, reject risk assessments, dramatically reduce the number of people eligible for pretrial incarceration, guarantee due process rights and develop community based pretrial services and supports for survivors of crime.

The plan also rejected electronic monitoring.

In Sacramento, this struggle over pretrial transformation and by implication, over electronic monitoring, has remained protracted and complex. Three years after the lawsuit, the county executive staff, with somewhat muted support from the Sheriff's office, was still [arguing](#) for funding to expand the jail and for resources to house services like mental health support inside the jail while continuing to promote the use of EM, especially as a condition of probation.



Junvenile EM

Apart from using EM for pretrial, Sacramento County also has electronic monitoring for [juveniles](#). The probation department has an extremely detailed set of regulations for these youth, including a 13-page operations manual for "[Administrative Furlough](#)." When individuals are released from the Youth Detention Facility they typically are placed on Administrative Furlough, which includes specified programming. Once they complete the Administrative Furlough, they can then be moved to Home Supervision with a small percentage having a GPS monitor added to that home detention.

The conditions for Juvenile EM are draconian.

They include 24/7 confinement to the home except for school, work or medical appointments, being subject to urine testing, a search of their person or place of residence at any time of the night or day, and "following "reasonable directives" of parents or guardians.

The manual has an extensive set of procedures for sanctions in response to any violation of the rules of EM.

- Fees
- In the early years, EM fees for juveniles typically reached as high as \$725 a month but in 2017, the Board of Supervisors [passed](#) a measure eliminating all court fees for juveniles. This was followed in July of 2021 when state law [AB1869](#) took effect eliminating all fees for adult and juvenile electronic monitoring in California, unless the individual was ordered to a diversion program which had EM as a condition. **At one point, before the passage of AB1869, fees for adult monitors in Sacramento County were on a sliding scale.** The highest fee was an incredible [\\$47 a day](#) for self-employed individuals.

EM Company Involvement

Securus is the main provider of EM devices through the Judicial Link Electronic Monitoring Sacramento program. Sacramento County uses a [BLUtag GPS](#) ankle monitor (ankle shackle), [BLUhome](#) RF Device or [SoberTrack](#) Alcohol Monitor. The device sends real-time signals to the company's [Veritracks](#) web portal providing real-time communication of any violations or irregularities.

Securus is also involved in the provision of other carceral technologies and has been the target of numerous campaigns and litigation.

In February of 2022, a California court awarded \$900,000 to plaintiffs who accused Securus of unlawfully recording legally privileged phone calls between incarcerated people and their lawyers.

They also lost three [lawsuits](#) for video visitation contracts which required the elimination of in-person visits. Despite these legal setbacks, Securus still has the phone contract for the Sacramento County jail.

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